THE RJR NEWS

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REYNOLDS TOBACCO "GRATIFIED" BY COURT RULING

R.J. Reynolds Tobacco Co. is gratified by the July 20 court ruling that will allow RJR's lawsuit against the Environmental Protection Agency (EPA) to proceed.

Judge William L. Osteen of the U.S. District Court for the Middle District of North Carolina denied the EPA's motion to dismiss a lawsuit brought against the agency by RJR and five other plaintiffs.

The plaintiffs sued the EPA on June 22, 1993, asking the courts to declare the agency's Risk Assessment on Environmental Tobacco Smoke be declared null and void. The plaintiffs alleged that in classifying environmental tobacco smoke as a Class A carcinogen, the agency ignored its own scientific guidelines, overstepped its regulatory authority, used faulty science and improper scientific procedures to arrive at its conclusion, and "cherry picked" data by ignoring newer and larger studies that contradicted its conclusion.

In July 1993, the EPA moved to have the case dismissed, contending in part that their risk assessment was not final agency regulation and therefore not subject to judicial review.

Yesterday, Judge Osteen ruled that "the issuance of the Report and classification do constitute [final] agency action..." and that "the Report and classification have in fact had a regulatory effect...." The court observed that the procedure under which the report was prepared and its release in "a highly-publicized ceremony ... would suggest that the EPA intended the Report and classification to have a regulatory effect, as Plaintiffs have alleged." This ruling permits the case to move forward to a full and fair hearing in a court of law.

"We're delighted by the ruling that now forces the EPA to defend its conduct in court, where the rules of science and evidence will control, not the agency's predetermined and biased policies," said Robert Weber, an attorney with Jones, Day, Reavis and Pogue, representing R.J. Reynolds Tobacco Co.

The other plaintiffs in the lawsuit are The Flue-Cured Tobacco Cooperative Stabilization Corp., The Council for Burley Tobacco Inc., Gallins Vending Co., Universal Leaf Tobacco Company Inc. and Philip Morris Inc.

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